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February 10, 2014

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H. *jetfielding m*  
Director and Health Officer

SUBJECT: **UPDATE ON IMPLEMENTATION OF THE FOOD VEHICLE INSPECTION  
GRADING ORDINANCE**

This is an update on the implementation of the food vehicle inspection grading ordinance. Your Board was provided the last update on April 5, 2013. This update reviews the current issues being addressed by the Department of Public Health (DPH) Environmental Health Program and the affected industries.

**Background**

On October 12, 2010, your Board adopted amendments to Los Angeles County Code, Title 8 that established standards for the letter grading of food vehicles. This effort was modeled after the restaurant grading program approved by the Board and initiated by DPH in 1998. Food vehicles have always been subject to regulation as a "food facility" under State and County law; the subject ordinance simply extended the letter grading of restaurants and markets to include food vehicles. The posting of A, B, and C letter grades provides the public with a familiar indication of an operator's food safety practices, and allows for easier identification of permitted and non-permitted food vehicles, which include food carts.

DPH Environmental Health implemented the vehicle letter grading in two phases. Phase I was initiated in November 2010 and applied to "high risk" food vehicles such as full-service food trucks and carts. Currently, we are implementing Phase II, which applies to "low risk" food vehicles such as pre-packaged food vendors, produce trucks, and coffee/pretzel carts, among others.

During implementation of Phase I, DPH Environmental Health worked closely with key stakeholders from affected parties, including the Motion Picture and Television Mobile Catering Association, the Southern California Food Vendors Association, the Loncheros Association, and various individual vendors from the mobile food cart industry. Together, Environmental Health and these stakeholders have identified and resolved several key issues related to restroom availability requirements, food service within the motion picture and television production industry, and disclosure of route information. Our collaborations have been substantial and successful in resolving these issues.

### **Food Service within the Motion Picture and Television Production Industry**

The Department recognized that mobile food facility operators who provide food service to motion picture and television film locations face challenges in providing meal service to a large number of employees during the limited time available for a meal break. To assist in meeting these challenges, EH has revised standards for motion picture catering operations and developed a Motion Picture Catering Operation Permit. This effort was responsive to the concerns of the industry, while maintaining necessary protections for public health.

### **Adoption of Ordinance by Contract Cities**

Upon adoption, the Grading Ordinance was effective in the unincorporated areas of the County. Currently, the cities of Los Angeles, Santa Monica, and Arcadia have adopted the Ordinance and we are continuing our efforts to identify and provide outreach to other cities more likely to adopt the ordinance. In addition all mobile food facilities when graded, receive a grade card that may be posted during hours of operation, regardless of where they operate.

### **Congregation of Food Vehicles**

Food vehicles continue to congregate in large numbers both on private and public property. Areas of concern at these gatherings include:

1. Restroom facility access for food handlers and the general public
2. Refuse collection and removal
3. Safe vehicle ingress and egress, and pedestrian safety
4. General venue sanitation and housekeeping

DPH continues to focus on a review of State and local codes in order to determine the best options for addressing these concerns. DPH is exploring the feasibility of allowing the use of portable toilets, as well as requiring an on-site event organizer to oversee food vehicles and manage concerns related to these large gatherings. DPH is continuing to work with industry stakeholders to determine how to address food vehicles that congregate in large numbers.

### **Enforcement of Leased Food Vehicles**

It is common practice for food vehicle owners to lease their vehicles to individual operators who are not required to secure a "*public health permit*" under County Code. County Code specifies that a permit be issued to the "*owner*" of a food vehicle. This arrangement often presents difficulties in enforcement in that both parties can deny responsibility for violations. The Department has engaged in discussion with the industry and County Counsel to resolve this issue and effect appropriate changes in County Code.

### **Use of Commissaries by Food Vehicle Operators**

California State Code requires that food vehicles operate in conjunction with a commissary that provides for cleaning, servicing, and storage of the vehicles during periods of non-operation. Annual certification inspections of food vehicles are to be conducted at the commissary identified by the food vehicle operator to ensure that it is in fact being utilized and complies with applicable standards. However, some vehicle operators fail to operate out of a lawful commissary. The Department will continue to work with County Counsel to strengthen County Code to clarify the responsibilities of food vehicle owners/operators and commissary operators.

### **Disclosure of Route Information**

To date, approximately 90% of *high-risk* food vehicle operators have made their operation location ("route") available. This is a significant improvement from the 20% reported to your Board on May 21, 2012. However, due to the transient nature of the mobile food facility business, it is common for the route slips to be inaccurate. The Department is continuing to explore alternative methods for locating food vehicles for inspection such as the use of cellular phones, or social media and internet postings of where food vehicles congregate. In addition, the Department is analyzing the use of our electronic permit and inspection management system, Envision Connect, to locate food vehicles.

### **Quality Assurance Efficiencies**

The Department has assigned the Environmental Health Quality Assurance Unit (QA) to evaluate the food vehicle letter grading program for improvements in service delivery (i.e. inspection processes and procedures) and customer service. To help in the implementation of food vehicle letter grading, processes are being evaluated and changes being implemented to maximize efficiencies. QA has been actively involved in discussions with the industry and will continue to work toward resolution of outstanding issues.

### **Next Steps**

The Department is working closely with industry and County Counsel on those issues requiring further resolution.

Implementation for Envision Connect for the Vehicle Inspection Program has been scheduled for May 2014. The analysis of actual program workload, costs and any necessary adjustments to permit fees will be completed once Envision Connect is in place and accurate data can be obtained. We anticipate being able to provide this workload information by May 2015.

If you should have any questions or need additional information, please let me know.

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c: Chief Executive Officer  
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